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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SANAM ELYASSI,

Plaintiff,

vs.

UNITED STATES OF AMERICA;
TRIPLER ARMY MEDICAL CENTER;
CHRISTOPHER KLEM, M.D.; JARED
MCKEAN THELER, M.D.; JOHN DOES
1-10; JANE DOES 1-10; DOE
BUSINESS ENTITIES 1-10; DOE
GOVERNMENTAL ENTITIES 1-10;
and DOE DEFENDANTS 1-10,

Defendants.

CIVIL NO. 12-00356 BMK

DEFENDANT UNITED STATES OF
AMERICA; TRIPLER ARMY MEDICAL
CENTER; CHRISTOPHER KLEM,
M.D.; AND JARED MCKEAN
THELER, M.D.'S RULE 16
SCHEDULING CONFERENCE
STATEMENT; CERTIFICATE OF
SERVICE

HEARING:

DATE: October 5, 2012
TIME: 10:30 a.m.
JUDGE: Hon. Barry M. Kurren

**DEFENDANT UNITED STATES OF AMERICA; TRIPLER ARMY MEDICAL CENTER;
CHRISTOPHER KLEM, M.D.; AND JARED MCKEAN THELER, M.D.'S
RULE 16 SCHEDULING CONFERENCE STATEMENT**

Pursuant to Rule 16 of the Federal Rules of Civil
Procedure and Local Rule 16.2(b), Local Rules of Practice for the

United States District Court for the District of Hawaii,
Defendants UNITED STATES OF AMERICA; TRIPLER ARMY MEDICAL CENTER;
CHRISTOPHER KLEM, M.D.; and JARED MCKEAN THELER, M.D. (herein
collectively referred to as "the United States"), by and through
their attorneys Florence T. Nakakuni, United States Attorney and
Harry Yee, Assistant United States Attorney, submit its Rule 16
Scheduling Conference Statement in the above-referenced matter:

1. Nature of the Case.

This case is brought pursuant to the Federal Tort
Claims Act (FTCA). Plaintiff alleges her treating physicians at
Tripler Army Medical Center were negligent in providing medical
services to Plaintiff and failed to obtain informed consent of
Plaintiff in performance of a surgical procedure on September 9,
2009. Plaintiff seeks damages for various injuries resulting from
the surgery which allegedly severed her vagus nerve.

2. Statement of Jurisdiction.

Defendants do not dispute jurisdiction at this time.

3. Jury Trial.

Under FTCA, Plaintiff is not entitled to a jury trial.

4. Appropriateness of Disclosures.

Disclosures not otherwise protected will be made as
agreed upon by the parties or as set by court order.

5. Discovery and Motions.

Discovery has not yet commenced. The United States anticipates the need for an independent medical examination of Plaintiff to be conducted by one or more expert witnesses.

6. Special Procedures.

No special procedures are sought by defendants.

7. Related Cases.

No related cases are known to defendants.

8. Additional Matters.

The parties are planning to participate in alternative dispute resolution in this matter.

DATED: September 28, 2012, at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

/s/ Harry Yee
By _____
HARRY YEE
Assistant U. S. Attorney

Attorneys for Defendants
UNITED STATES OF AMERICA, TRIPLER
ARMY MEDICAL CENTER, CHRISTOPHER KLEM,
M.D., and JARED MCKEAN THELER, M.D.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 28, 2012, and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

CHRISTOPHER A. DIAS, ESQ. chrisdias@hawaii.rr.com

Attorney for Plaintiff
SANAM ELYASSI

DATED: September 28, 2012, at Honolulu, Hawaii.

FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii

/s/ Harry Yee
By _____
HARRY YEE
Assistant U. S. Attorney

Attorneys for Defendants
UNITED STATES OF AMERICA, TRIPLER
ARMY MEDICAL CENTER, CHRISTOPHER KLEM,
M.D., and JARED MCKEAN THELER, M.D.